

APPEAL NO. 030190
FILED MARCH 10, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 3, 2003. The hearing officer determined that (1) the respondent (claimant) sustained a compensable injury on _____; and (2) the claimant had disability beginning May 7, 2002, and continuing through the date of the hearing. The appellant (carrier) appeals these determinations on sufficiency of the evidence grounds. The claimant did not file a response.

DECISION

Affirmed.

COMPENSABLE INJURY

The hearing officer did not err in determining that the claimant sustained a compensable injury on _____. The determination involved a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

DISABILITY

The hearing officer did not err in determining that the claimant had disability beginning May 7, 2002, and continuing through the date of the hearing. The carrier asserted that the claimant's immigration status, not the compensable injury, was the cause of his inability to obtain or retain employment at preinjury wages. We have said that a claimant is not precluded from receiving benefits under the 1989 Act by reason of his immigration status. Texas Workers' Compensation Commission Appeal No. 022689, decided November 25, 2002. Additionally, a claimant need not prove that the compensable injury was the sole cause, as opposed to a cause, of the disability. Appeal No. 022689. In view of the evidence presented, the hearing officer could find that the claimant's compensable injury was a cause of his inability to obtain or retain employment at preinjury wages. The hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain, *supra*.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**SA
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Edward Vilano
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge